

16.165 State Police officer disabled on hazardous duty may elect to be retained on payroll -- Conditions -- Exceptions -- Appeal -- Disability retirement allowance time may be included in calculation for normal retirement.

Any State Police officer (as defined in KRS 16.010) who becomes disabled after July 1, 1977, as a direct result of an injury or disease arising out of the performance of a hazardous duty in the course of employment with the department may elect to be retained on the regular payroll of the Department of State Police subject to the following:

- (1) Compensation paid to the officer by the department shall be adjusted and maintained at the officer's regular rate of pay based upon the officer's rank and tenure with the department, and shall include annual increments, salary adjustments, and other benefits of employment, provided, however, such compensation paid to the officer by the department shall be reduced by the amount of payments received by the officer from workers' compensation insurance, Social Security benefits and other federal or state financed disability programs designed to supplement the officer's income for which the officer is qualified and elects participation. Final compensation shall not be reduced by payments for medical care. The disabled officer's regular rate of pay, without the reductions required by this subsection, shall be his creditable compensation for purposes of KRS 16.510 to 16.652.
- (2) Such officer shall be assigned by the commissioner of the Department of State Police to a position in the department for which he is qualified, if the commissioner determines, based upon medical reports and recommendations submitted for that purpose, that the officer is able to perform limited duties. If it is determined that the officer is able to perform limited duties and refuses to accept an assignment from the commissioner, the officer shall not be eligible for the payment of compensation authorized by this section. If the commissioner determines that the officer is unable to perform limited duties, the officer shall be eligible for the payment of compensation authorized by this section without the performance of limited duties. Any officer adversely affected or aggrieved by a final determination of the commissioner pursuant to this section may appeal within thirty (30) days to the local Circuit Court.
- (3) Payments made pursuant to this section shall continue until the officer is eligible for normal retirement allowances pursuant to KRS 16.576 or until the officer elects early retirement allowances pursuant to KRS 16.577 or disability retirement allowances pursuant to KRS 16.582. If the officer receives preretirement payments under this section or KRS 16.167 and subsequently elects disability retirement, the effective date of his disability retirement shall be the first month following the month in which the officer last receives preretirement payments under this section or KRS 16.167, KRS 16.505(16) to the contrary notwithstanding.
- (4) Any State Police officer, disabled prior to July 1, 1977, as a result of severe physical injuries arising out of the performance of duty, who is unable to maintain gainful employment as a result of such injuries, but who was ineligible for retention on the regular payroll because of the date of his injury, shall, if his time in active service plus his time on disability retirement allowance equal the time necessary for normal retirement pursuant to KRS 16.505(15), have his retirement allowance increased to

the amount he would receive, had he been retained on the regular payroll of the department pursuant to this section and had he subsequently elected normal retirement pursuant to KRS 16.576 when first eligible, but any survivor option which he chose at the time of disability retirement shall not be changed.

Effective: July 15, 1994

History: Amended 1994 Ky. Acts ch. 485, sec. 30, effective July 15, 1994. -- Amended 1986 Ky. Acts ch. 257, sec. 1, effective July 15, 1986. -- Created 1979 (1st Extra. Sess,) Ky. Acts ch. 16, sec. 1, effective May 12, 1979.